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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,643	11/08/2001	David M. Beausoleil		1861

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,643

Applicant(s)

BEAUSOLEIL, DAVID M.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/2004 has been entered.

Drawings

Proposed new figures 6 and 7 filed on Oct. 22, 2003 has been disapproved since they fail to comply with 37 CFR 1.121. All replacement drawing sheets must be identified in the top margin as "Replacement Sheet". Proposed new figure 7 has been disapproved since it contains new matter. The specification as originally filed fails to provide support for the location and size of the adhesive (71) as shown in figure 7. There is no support in the original specification for covering only a portion of the plate back surface with the adhesive (71) as shown in figure 7.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive material defined in claims 12 and 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The substitute specification filed Oct. 22, 2003 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it contains new matter. The new matter added is as follows: on page 1, lines 24-25 and page 2, lines 1-4, starting with "This allows for use" and ending with "actually installed" is considered to be new matter. On page 5, lines 10-15, starting with "Generally, information" and ending with "device or fixture" is considered to be new matter.

Claim Objections

Claims 1-12 are objected to because of the following informalities: In claim 1, last line, "the corresponding device" should be a "a corresponding device" since there is no antecedent basis for "the corresponding device". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1,8,28, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheresko (U.S. Patent No. 6,412,205).

Cheresko shows in figures 1-3 a marking plate (30) including a prerecorded information template for a user comprised of an organized array (months of the year indicia, days of the year indicia, quarts, ounces, types of gas, amount of gas, ratios, cycle of information, etc.), and wherein specific information (can be selected with apertures) can be selected from the array, and means (16) for securing the plate. The information is considered to be relevant to a plurality of devices, i.e. lawnmowers. In regard to claims 8 and 28, Cheresko discloses in column 4, lines 1-9 the idea of printing the indicia on a label.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454).

Cheresko discloses the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel.

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In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 4 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 5 and 30 above and further in view of Graham (U.S. Patent No. 3,782,017).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 6 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

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Claims 9/1 and 9/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Berman (U.S. Patent No. 4,907,359).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 9/2 and 9/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 2 and 3 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko In view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. (U.S. Patent No.

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5,402,592) as applied to claim 4 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

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Claim 9/6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

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Claims 10/1,10/8,11/1, and 11/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/2,10/3,11/2, and 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 10/4 and 11/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/5 and 11/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 10/6 and 11/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/7 and 11/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 12/1 and 12/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/2 and 12/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 12/4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 12/6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 13,20,25,26,36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala (U.S. Patent No. 6,254,967).

Cheresko shows in figures 1-3 a marking plate (30) including an information template (see figure 3) comprised of an organized array, recorded information (apertures placed on the label) selected from the array, and means (16) for securing the plate. Cheresko discloses in column 2, lines 7-28, column 3, lines 37-59, and column 4, lines 35-56, that the marking plate (30) can contain any type of information as desired. Cheresko does not disclose placing electrical information on the marking plate. Katwala shows in figures 5 and 9 the idea of placing electrical information onto a marking plate. In view of the teachings of Katwala it would have been obvious to one in the art to modify Cheresko by placing electrical information onto the marking plate since this would allow the marking plate to be used on electrical devices and provide information with regard to the electrical device. In regard to claims 20 and 43, Cheresko discloses in column 1, lines 15-20 the idea of printing the indicia on a label. In regard to claims 25 and 26, it is considered within one skilled in the art to place any type of electrical information on the marking plate as desired. The particular indicia placed on the plate is not considered to be a patentable feature.

Claims 14,15,37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 36 above and further in view of Hafner et al. (U.S. Patent No. 3,828,454).

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Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel. In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Graham (U.S. Patent No. 3,782,017).

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Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 18 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 19 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

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Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 21/13 and 21/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 21/14 and 21/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 14 and 15 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp.

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Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al., and Caveney et al. (U.S. Patent No. 5,402,592) as applied to claim 16 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al., and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al., and Graham as applied to claim 17 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp.

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Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an

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article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 22/13, 22/20, 23/13, and 23/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/14, 22/15, 23/14, and 23/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5,

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lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/16 and 23/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/17 and 23/17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Graham as applied to claim 17 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see

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column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/18 and 23/18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/19 and 23/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a

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screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 24/13 and 24/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 24/14 and 24/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view

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of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 16 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 24/17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Graham as applied to claim 17 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive

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to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the

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art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Response to Arguments

Applicant's arguments filed 6/23/2004 have been fully considered but they are not persuasive.

The applicant argues that proposed figure 7 does not contain new matter in view of the specification, page 11, line 20 through page 12, line 2. The examiner disagrees since the specification fails to provide any support for the arrangement of the adhesive as proposed in figure 7.

The applicant argues that the substitute specification does not contain new matter. However, page 10 of the applicant's response is missing so the particulars of the argument are unclear. The examiner still maintains that the proposed substitute specification includes new matter as outlined above in the objection to the substitute specification.

The applicant argues that Cheresko fails to disclose a marking plate having an information template that is prerecorded for a user. The examiner disagrees since Cheresko shows in figure 3 a marking plate (30) that includes information (months of the year, days of the month, number of quarts and ounces, type of gas, size of tank in ounces, ratio information, etc.) that is prerecorded to the label.

The applicant argues that Cheresko fails to disclose an information template that is comprised of at least one table or organized array of standardized data or information

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relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from the selectable, standardized data or information.

The examiner disagrees since Cheresko shows in figure 3 a marking plate (30) that includes at least one table or organized array of standardized data or information (months of the year, days of the month, number of quarts and ounces, type of gas, size of tank in ounces, ratio information, etc.) that is relevant to a plurality of devices (i.e. lawnmowers) and can be selected by punching holes into the label (see column 4, lines 12-34).

In regard to the applicant's argument that the examiner is using impermissible hindsight in combining Cheresko in view of Hafner and Caveney or Graham or Berman or Robertson or Samonides. The examiner disagrees since Hafner provides the advantage of making the marking plate more durable and weather resistant. Caveney, Graham, Berman, Robertson, and Samonides provide the advantage of making the indicia and tag more aesthetically pleasing.

In regard to the applicant's argument that the examiner is using impermissible hindsight in adding Frieden and Hansen. The examiner disagrees since Frieden provides the advantage of allowing the plate to be attached to a wider range of surfaces in an easier and faster manner. The examiner disagrees since Hansen provides the advantage of allowing the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

The applicant argues that there is nothing in Katwala that suggests a table or array of standardized information relevant to a plurality of electric fixtures as defined in claims 13,20,25,26,36, and 43. Cheresko already discloses (see the discussion above and the 102(b) rejection in view of Cheresko above) the idea of providing a marking plate (13)

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that includes a table or array of standardized information. Cheresko further discloses the idea of placing any type of information on the label as desired, see column 4, lines 45-48. Katwala is merely being used to show that it is known in the art to place electrical information on a marking plate. This would allow the marking plate of Cheresko to be used on electrical devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Aug. 9, 2004